

**FILED**

**FEB 26 2014**

**New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
APPLICATION OF

**XUELAN BIAN**  
**a/k/a XUE LAN BIAN**

FINAL ORDER OF  
DENIAL OF LICENSURE

TO PRACTICE MASSAGE ANDDD  
BODYWORK THERAPY IN THE  
STATE OF NEW JERSEY

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This matter was opened to the Board of Mssage and Bodywork Therapy (the Board) upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Xuelan Bian submitted an application for licensure by the Board.
2. On Ms. Bian's application, she indicated she had never been arrested or charged with any offense.
3. The results of a criminal history background check indicated that Ms. Bian had been arrested in Missouri for promoting prostitution on September 13, 2007. The charges were dismissed.

The applicant had also been arrested on September 14, 2007 as a deportable alien. The applicant was subsequently granted political asylum.

4. The applicant indicated that she had been working at a massage establishment of a friend when she was arrested.

#### CONCLUSIONS OF LAW

1. Ms. Bian's failure to provide accurate information about her two arrests on her application, one of which included charges that relate adversely to the practice of massage and bodywork therapy, constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on October 4, 2013, provisionally denying Ms. Bian's application for licensure.

A copy of the Order was forwarded to Ms. Bian by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Ms. Bian requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Bian's request for consideration and reasons therefor.

The record reflects that the certified mailing of the

Provisional Order was returned, unclaimed, and the regular mailing of the order was not returned. No response has been received to date. The Board determined that service had been effected, as the mailings had been sent to Ms. Bian's address of record with the Board. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 26<sup>th</sup> DAY of February, 2014,

ORDERED that:

1. Ms. Bian's application for licensure as a massage and bodywork therapist in New Jersey is hereby denied. The Board will not entertain any subsequent application for licensure for a period of three years, dating from the issuance of this order.

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By: Deborah Overholt  
Deborah Overholt  
Chairperson